

App. No. 09/760,212

Reply to Office action of March 31, 2004

REMARKS/ARGUMENTS

A. Summary of the Amendment

This is a full and timely response to the non-final Office Action dated March 31, 2004. Reexamination and reconsideration are courteously requested. By way of the present amendment, claim 32 is amended. Further, no claims are added or canceled. Thus, claim 32 remains pending for the Examiner's consideration, with claims 32, 58, and 62 being independent claims.

B. Allowable Subject Matter

The examiner has acknowledged that claims 33-65 are directed to allowable subject matter. Applicants thank the Examiner for a thorough examination of these claims.

C. Rejections Under 35 U.S.C. § 102(e)

Claim 32 was rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 5,713,925 ("Sullivan"). This rejection is respectfully traversed.

Independent claim 32 recites a transfer circuit that is coupled to a control circuit and an energy storage capacitor. The transfer circuit is coupled with the control circuit in such a way as to generate a defibrillation pulse or a pacing pulse *using the same energy storage capacitor*.

Sullivan fails to disclose a transfer circuit coupled with a control circuit in such a way as to *generate* a defibrillation pulse or pacing pulse *using the same energy storage capacitor*. At best, Sullivan teaches using a controller and transfer means to *pass through* signals generated by independent defibrillation and pacing circuits. Therefore Sullivan clearly fails to teach or suggest the features recited in claim 32, and it is respectfully submitted that the rejection under 35 U.S.C. § 102(e) should be withdrawn.

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H. Conclusion

In view of Applicant's amendments and remarks, it is respectfully submitted that Examiner's objections and rejections have been overcome. Accordingly, Applicants respectfully submit that the application is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants attorneys at the below-listed telephone number.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: Nov. 18, 2004

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